

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

FEDERAL DEPOSIT INSURANCE  
 CORPORATION AS RECEIVER FOR  
 SECURITY SAVINGS BANK,

Plaintiff,

vs.

KELLY JONES, STEPHEN DERVENIS, and  
 THOMAS PROCOPIO,

Defendants.

Case No. 2:13-cv-00168-GMN-GWF

**ORDER**

This matter is before the Court on Plaintiff's Objection to Defendants' Reply Regarding Notice of Supplemental Authority (#229) and Alternative Motion for Leave to File Response (#231), filed on September 3, 2015. Defendants' Response (#235) was filed on September 11, 2015.

Plaintiff objects to the Defendants' Reply Regarding Notice of Supplemental Authority (#228). Defendants filed the Notice of Supplemental Authority (#223) to inform the Court about a recent Fourth Circuit decision. Plaintiff filed a Response (#224) to the Notice, as the Plaintiff felt the Notice was misleading. Defendants then filed a Reply (#228), as the Defendants found the Plaintiff's Response to be substantive, and wished to make their own substantive arguments.

The Court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous material. Fed. R. Civ. P. 12(f). District Courts within the Ninth Circuit have permitted the filing of a Notice of Supplemental Authority and a Response. *See FDIC v. Johnson*, No. 2:12-cv-209-KJD-PAL, 2014 WL 5324057 (D. Nev. 2014); *Nichols v. Harris*, 17 F.Supp. 3d 989, 996 n.3 (C.D. Cal. 2014). Furthermore, while not directly on point, Fed. R. App.

1 P. 28(j) provides for a notice of supplemental authority and a response, but not a reply. Defendants  
2 did not seek leave of the Court to file the Reply brief. Additionally, the Court finds that the Notice  
3 and Response were sufficient to inform the Court regarding the relevant decisions in the new case.  
4 Therefore, Defendants' Reply (#228) was immaterial and will be stricken from the record.  
5 Accordingly,

6 **IT IS HEREBY ORDERED** that Plaintiff's Objection to Defendants' Reply Regarding  
7 Notice of Supplemental Authority (#229) is **granted**. Defendants' Reply (#228) is hereby stricken.

8 **DATED** this 18th day of September, 2015.

9  
10   
11 GEORGE FOLEY, JR.  
12 United States Magistrate Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28